

THURSDAY, APRIL 5, 2012

SIXTY-NINETH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Madam Speaker Harwell

The proceedings were opened with prayer by Reverend Kia Grandberry, Mississippi Boulevard Christian Church, Memphis, TN.

Rep. Hardaway led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results

Present..... 93

Representatives present were Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 93

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Bass; business

Representative Dennis; business

Representative Elam; personal

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 841 Rep(s). Hardaway and Butt as prime sponsor(s).

House Joint Resolution No. 858 Rep(s). B. Cooper and Parkinson as prime sponsor(s).

House Bill No. 41 Rep(s). Parkinson as prime sponsor(s).

House Bill No. 1908 Rep(s). Hardaway, Roach, Ford, Powers, Harrison, Alexander, and Pody as prime sponsor(s).

House Bill No. 2608 Rep(s). Hardaway as first prime sponsor(s).

House Bill No. 2639 Rep(s). Curtiss as prime sponsor(s).

House Bill No. 2749 Rep(s). Hardaway and Dean as prime sponsor(s).

House Bill No. 2750 Rep(s). Dean and Hurley as prime sponsor(s).

House Bill No. 2752 Rep(s). Dean as prime sponsor(s).

House Bill No. 2915 Rep(s). Hardaway and Parkinson as prime sponsor(s).

House Bill No. 3207 Rep(s). J. Turner, Hardaway and Parkinson as prime sponsor(s).

House Bill No. 3257 Rep(s). Maggart and D. Miller as prime sponsor(s).

House Bill No. 3300 Rep(s). Roach and Ford as prime sponsor(s).

House Bill No. 3468 Rep(s). Hardaway as prime sponsor(s).

House Bill No. 3499 Rep(s). Evans and Womick as prime sponsor(s).

House Bill No. 3828 Rep(s). M. Turner, Sontany, Odom, Harwell, Shaw, Moore, S. Jones and Gilmore as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). K. Brooks was/were removed as sponsor(s) on **House Bill No. 2608**.

MESSAGE FROM THE SENATE April 5, 2012

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 733; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Joint Resolution No. 733 -- Memorials, Retirement - Dr. Harry Green, Executive Director of TACIR. by *Norris, *Henry, *Kyle, *Tracy, *McNally, *Barnes, *Beavers, *Bell, *Berke, *Burks, *Crowe, *Faulk, *Finney L, *Ford, *Gresham, *Harper, *Haynes, *Herron, *Johnson, *Kelsey, *Marrero, *Massey, *Overbey, *Roberts, *Southerland, *Stewart, *Summerville, *Tate, *Watson, *Yager, *Ramsey.

MESSAGE FROM THE SENATE
April 5, 2012

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 760; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Joint Resolution No. 760 -- Memorials, Recognition - Homer Malone. by *Herron, *Barnes, *Beavers, *Bell, *Berke, *Burks, *Crowe, *Faulk, *Finney L, *Ford, *Gresham, *Harper, *Haynes, *Henry, *Johnson, *Kelsey, *Kyle, *Marrero, *Massey, *McNally, *Norris, *Overbey, *Roberts, *Southerland, *Stewart, *Summerville, *Tate, *Tracy, *Watson, *Yager, *Ramsey.

MESSAGE FROM THE SENATE
April 5, 2012

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1252; as requested, for further consideration.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE SENATE
April 5, 2012

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3323; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE SENATE
April 5, 2012

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3633; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE SENATE
April 5, 2012

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2612; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

PRESENT IN CHAMBER

Rep(s). Hensley, Montgomery and Powers was/were recorded as being present in the Chamber.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Representative Carr and Senator Tracy, joined by members of the Rutherford County delegation, Representatives McCormick and M. Turner, were recognized in the Well to introduce Dr. Sidney McPhee, President of Middle Tennessee State University, for remarks on MTSU's Centennial Anniversary.

RESOLUTION READ

The Clerk read House Joint Resolution No. 845, previously adopted on April 2, 2012, which honored and congratulated Middle Tennessee State University for 100 years of dedicated service to the State of Tennessee.

House Joint Resolution No. 845 -- Memorials, Recognition - Middle Tennessee State University, 100th anniversary. by *Carr, *Sparks, *Marsh, *Womick, *Fitzhugh, *Floyd, *Miller D.

RECOGNITION IN THE WELL

Representative McDaniel was recognized in the Well to present the series *Images of the Civil War Sesquicentennial* which featured narration by Representatives H. Brooks and Curtiss.

INTRODUCTION RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 863** -- Highway Signs - "Sheriff Dorris Weakley Memorial Bridge," S.R. 12 in Cheatham County. by *Johnson P.

House State and Local Government Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 9, 2012:

House Resolution No. 236 -- Memorials, Interns - Amber Joy Jones. by *Fitzhugh.

House Joint Resolution No. 864 -- Memorials, Retirement - Dr. Jerry Hale. by *Curtiss.

House Joint Resolution No. 865 -- Memorials, Death - Mercy Yrabedra. by *Pitts, *Johnson C, *Tidwell.

House Joint Resolution No. 866 -- Memorials, Academic Achievement - Olivia Ruth Hicks, Valedictorian, Sequatchie County High School. by *Cobb.

House Joint Resolution No. 867 -- Memorials, Academic Achievement - Sarah Kady-Mae Roberson, Valedictorian, Bledsoe County High School. by *Cobb.

House Joint Resolution No. 868 -- Memorials, Academic Achievement - William Parker McCullough, Valedictorian, Rockwood High School. by *Cobb, *Hurley.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 1864 -- Short Term Loans and Lenders - As introduced, requires all pawnbrokers to take thumbprint of any person pledging property at a pawnshop; requires pawnbrokers to require state or federal photo identification card of anyone pawning property and photocopy such identification. - Amends TCA Title 45, Chapter 6, Part 2. by *Overbey, *Burks, *Herron. (*HB1570 by *Swann)

Senate Bill No. 2821 -- Labor - As introduced, establishes certain public policies for employees under right to work law; provides for employers to post certain notices; provides for certain enforcement responsibilities by the department of labor and workforce development. - Amends TCA Title 50, Chapter 1, Part 2. by *Kelsey. (*HB2924 by *Sparks)

Senate Bill No. 2871 -- Public Works Projects - As introduced, increases threshold for public works that require a registered architect, registered engineer, or registered landscape architect from \$25,000 to \$150,000; increases the \$150,000 amount by CPI every odd-numbered year. - Amends TCA Title 62, Chapter 2. by *Southerland. (*HB3030 by *Hawk)

***Senate Bill No. 2916** -- Funeral Directors and Embalmers - As introduced, establishes priority of right to the disposition of human remains and limits certain liability of funeral establishments and funeral directors. - Amends TCA Title 32; Title 47; Title 62, Chapter 5 and Title 68. by *Overbey, *Ford. (HB3300 by *Fitzhugh, *Forgety, *Roach, *Ford)

Senate Bill No. 3801 -- Monroe County - As introduced, subject to local approval, reapportions, after the 2010 U.S. census, Monroe County school districts. - Amends Chapter 117 of the Private Acts of 1963. by *McNally. (*HB3872 by *Matlock)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3881 -- Scotts Hill – House State and Local Government Committee

House Bill No. 3882 -- Bluff City – House State and Local Government Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 5, 2012**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 9, 2012**: House Bill(s) No(s). 3616, 2645, 2803, 2250, 2562, 2935, 2222, 3294, 3670, 3148 and 3061.

The Committee also set the following bill(s) on the **Regular Calendar** for **April 11, 2012**: House Bill(s) No(s). 2823, 1572, 1970, 3396, House Resolution(s) No(s). 195, House Bill(s) No(s). 3552, 2890, 3627 and 2384.

The Committee also set the following bill(s) on the **Regular Calendar** for **April 12, 2012**: House Bill(s) No(s). 1954, 3761, 3282, 3699, 3540, 2387 and House Joint Resolution(s) No(s). 808.

The Committee also set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 9, 2012**: Senate Joint Resolution(s) No(s). 499, House Bill(s) No(s). 3129, 2664, 2893, 3809 and 3862.

CONSENT CALENDAR

House Resolution No. 234 -- Memorials, Interns - Gavin Mosley. by *Sargent.

House Resolution No. 235 -- Memorials, Interns - Shante Audrey Piche. by *Sargent.

House Joint Resolution No. 853 -- Memorials, Academic Achievement - Jami Reece, Valedictorian, Red Boiling Springs High School. by *Weaver.

House Joint Resolution No. 854 -- Memorials, Academic Achievement - Morgan Burgener, Valedictorian, Red Boiling Springs High School. by *Weaver.

House Joint Resolution No. 855 -- Memorials, Academic Achievement - David Williams, Jr., Valedictorian, Red Boiling Springs High School. by *Weaver.

House Joint Resolution No. 856 -- Memorials, Academic Achievement - Kristin Davis, Valedictorian, Red Boiling Springs High School. by *Weaver.

House Joint Resolution No. 857 -- Memorials, Academic Achievement - Matthew Brockett, Salutatorian, Red Boiling Springs High School. by *Weaver.

House Joint Resolution No. 858 -- Memorials, Recognition - Dr. Martin Luther King, Jr., Avenue in Memphis. by *Hardaway, *Miller L.

House Joint Resolution No. 859 -- Memorials, Sports - Anfernee "Penny" Hardaway, Lester Middle School Lions basketball team, 2012 Small Schools Tennessee State Championship. by *Hardaway, *Miller L.

House Joint Resolution No. 860 -- Memorials, Sports - Riverdale High School Lady Warriors Basketball Team, Class AAA State Champions. by *Womick, *Carr, *Sparks.

House Joint Resolution No. 861 -- Memorials, Professional Achievement - Dr. L. Anthony Wise, Jr. by *Armstrong, *Tindell, *Dunn, *Brooks H, *Haynes, *Hall, *Niceley.

House Joint Resolution No. 862 -- Memorials, Interns - Tony Bernard Mitchell, Jr. by *DeBerry L, *Naifeh.

Senate Joint Resolution No. 712 -- Memorials, Retirement - Col. David L. Evans. by *Overbey, *McNally, *Crowe.

Senate Joint Resolution No. 713 -- Memorials, Recognition - Hannah Rials, 2012 Youth Leadership Award. by *Overbey.

Senate Joint Resolution No. 714 -- Memorials, Recognition - Virginia Hardwick, 2012 Community Leadership Award. by *Overbey.

Senate Joint Resolution No. 715 -- Memorials, Recognition - Steve Bowers, Jackson Man of the Year. by *Finney L, *Herron.

Senate Joint Resolution No. 716 -- Memorials, Recognition - Joseph and Odette Novak, Pickett Care and Rehab Hall of Fame. by *Yager.

Senate Joint Resolution No. 717 -- Memorials, Recognition - James D. Cope. by *Yager.

Senate Joint Resolution No. 718 -- Memorials, Death - Fred White, Jr. by *Yager.

Senate Joint Resolution No. 719 -- Memorials, Recognition - Roane State Community College. by *Yager.

Senate Joint Resolution No. 720 -- Memorials, Recognition - The Singing Cookes, 50th anniversary. by *Yager.

Senate Joint Resolution No. 721 -- Memorials, Public Service - Senator Roy Herron. by *Finney L, *Kyle, *Berke, *Barnes, *Marrero, *Harper, *Tate, *Henry, *Stewart, *Burks, *Ford, *Haynes, *Faulk, *Norris, *Overbey.

Senate Joint Resolution No. 722 -- Memorials, Public Service - Senator Andy Berke. by *Finney L, *Kyle, *Barnes, *Marrero, *Harper, *Tate, *Henry, *Stewart, *Burks, *Ford, *Haynes.

Senate Joint Resolution No. 726 -- Memorials, Death - J. H. "Tommy" Dykes. by *Faulk.

Rep. Hardaway moved that all members voting aye on House Joint Resolution No. 858 be added as co-prime sponsors, with the Shelby County delegation listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

Rep. Hardaway moved that all members voting aye on House Joint Resolution No. 859 be added as co-prime sponsors, with the Shelby County delegation listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

Rep. L. DeBerry moved that all members voting aye on House Joint Resolution No. 862 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	95
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 95

Representatives present and not voting were: Johnson C -- 1

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 2749** -- DUI Offenses - As introduced, requires judge to order use of functioning ignition interlock system if judge grants application for a restricted license following an implied consent violation for refusing to take alcohol test. - Amends TCA Title 55, Chapter 10, Part 4. by *Shipley, *Maggart, *Gotto, *Hurley, *Faison. (SB2913 by *Overbey)

Rep. Shipley moved that House Bill No. 2749 be passed on third and final consideration.

Rep. Watson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2749 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-406, is amended by deleting subdivision (c)(3) and substituting instead the following:

(3) The court may also order the person to operate only a motor vehicle that is equipped with a functioning ignition interlock with or without geographic restrictions, which shall remain on the vehicle during the entire period of the restricted license.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Sargent moved adoption of Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND House Bill No. 2749 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-406, is amended by deleting subdivision (c)(3) and substituting instead the following:

(3) The court may also order the person to operate only a motor vehicle that is equipped with a functioning ignition interlock with or without geographic restrictions, which shall remain on the vehicle during the entire period of the restricted license. However, no state funds may be expended to provide a person with an ignition interlock that is ordered pursuant to this subdivision.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Shipley moved that **House Bill No. 2749**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 89
Noes 6

Representatives voting aye were: Alexander, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 89

Representatives voting no were: Armstrong, Favors, Moore, Naifeh, Towns, Turner M -- 6

A motion to reconsider was tabled.

***House Bill No. 2750** -- DUI Offenses - As introduced, expands present law to provide that it is not a defense to a violation of the DUI statute that a person is or was lawfully entitled to use an intoxicant, marijuana, controlled substance, or other drug. - Amends TCA Title 55, Chapter 10, Part 4. by *Shipley, *Maggart, *Gotto. (SB2915 by *Overbey)

Rep. Shipley moved that **House Bill No. 2750** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 90
Noes 3

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Montgomery, Moore, Naifeh, Niceley, Odom, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 90

Representatives voting no were: Cooper, Parkinson, Towns -- 3

A motion to reconsider was tabled.

***House Bill No. 2752** -- DUI Offenses - As introduced, clarifies that a person may be compelled to submit to an alcohol test under the implied consent law by other provisions of law, court order or search warrant. - Amends TCA Title 55, Chapter 10, Part 4. by *Shipley, *Hurley, *Maggart, *Gotto. (SB2914 by *Overbey)

Rep. Shipley moved that **House Bill No. 2752** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	52
Noes.....	33
Present and not voting.....	2

Representatives voting aye were: Brooks H, Brooks K, Casada, Cobb, Curtiss, Dean, Dunn, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Harrison, Hawk, Hensley, Holt, Hurley, Johnson C, Keisling, Kernell, Lollar, Maggart, Marsh, Matlock, McDaniel, McDonald, McManus, Miller D, Montgomery, Niceley, Odom, Pitts, Powers, Ragan, Ramsey, Roach, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Swann, Watson, White, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 52

Representatives voting no were: Alexander, Armstrong, Brown, Butt, Campbell, Camper, Coley, Cooper, Favors, Gilmore, Hall, Hardaway, Harmon, Haynes, Hill, Johnson P, Jones, Lundberg, Matheny, Miller L, Moore, Naifeh, Parkinson, Pody, Pruitt, Richardson, Sanderson, Stewart, Tidwell, Towns, Turner J, Turner M, Williams K -- 33

Representatives present and not voting were: DeBerry J, Rich -- 2

A motion to reconsider was tabled.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Shepard

Representative Todd

SPECIAL ORDER

Without objection, Rep. Gilmore moved the House take up item number 21 on today's Regular Calendar, House Joint Resolution No. 841, out of order at this time as follows:

House Joint Resolution No. 841 -- Memorials, Sports - Vanderbilt University Men's Basketball Team, 2012 SEC Tournament Champions. by *Harwell, *Gilmore, *Odom, *Sontany, *Turner M, *Jones S, *Moore, *Gotto, *Stewart, *Pruitt.

Further consideration of House Joint Resolution No. 841 previously considered on April 2, 2012, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Rep. Gilmore moved adoption of House Joint Resolution No. 841, which motion prevailed by the following vote:

Ayes 93
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 93

A motion to reconsider was tabled.

RECOGNITION IN THE WELL

Representative Moore was recognized in the Well in order to announce his retirement.

REGULAR CALENDAR, CONTINUED

***House Bill No. 3207** -- Motor Vehicles - As introduced, requires entity actually towing vehicle to report vehicle registration information to local law enforcement when vehicle is towed pursuant to Uniform Landlord Tenant Act. - Amends TCA Section 66-28-519. by *Dean. (SB3604 by *Haynes)

On motion, House Bill No. 3207 was made to conform with **Senate Bill No. 3604**; the Senate Bill was substituted for the House Bill.

Rep. Dean moved that **Senate Bill No. 3604** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes..... 2

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

Representatives voting no were: Kernell, Lollar -- 2

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “no” to “aye” on **Senate Bill No. 3604** and have this statement entered in the Journal: Rep(s). Kernell and Lollar.

REGULAR CALENDAR, CONTINUED

House Bill No. 2915 -- Consumer Protection - As introduced, requires certain roofing contractors and agents to make certain disclosures to solicited persons where an insurance claim has been made or is anticipated for the provision of roofing goods or services. - Amends TCA Title 47; Title 56 and Title 62. by *Curtiss. (*SB2714 by *Ketron, *Burks)

On motion, House Bill No. 2915 was made to conform with **Senate Bill No. 2714**; the Senate Bill was substituted for the House Bill.

Rep. Curtiss moved that Senate Bill No. 2714 be passed on third and final consideration.

Rep. McManus moved that Commerce Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. McManus moved that Commerce Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Curtiss moved that **Senate Bill No. 2714** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **House Bill No. 2752** and have this statement entered in the Journal: Rep(s). Carr and Womick.

REGULAR CALENDAR, CONTINUED

House Bill No. 3828 -- Metropolitan Government - As introduced, revises entity controlling allocation of taxes associated with professional sports franchises; revises and removes restrictions on use of funds; transfers unexpended funds to new entity. - Amends TCA Title 67. by *Pruitt, *Stewart. (*SB3288 by *Harper, *Haynes, *Henry)

Rep. Stewart moved that House Bill No. 3828 be passed on third and final consideration.

Rep. Ramsey moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3828 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-103, is amended by deleting subdivision (d)(1)(A)(ii) and substituting the following:

If an indoor sports facility owned by a sports authority organized pursuant to title 7, chapter 67, in which a professional sports franchise is a tenant, exists in a county with a metropolitan form of government, then an amount shall be apportioned and distributed to the municipality equal to the amount of state tax revenue derived from the sale of admissions to all other events occurring at the indoor sports facility and from all other sales of food and drink and other authorized goods or products sold on the premises of the sports facility, parking charges, and related services. The amounts distributed to the municipality shall be for the exclusive use of the sports authority, or comparable municipal agency formally designated by the municipality, in accordance with title 7, chapter 67. Such amounts shall be used exclusively for the payment of, or the reimbursement of expenses associated with securing current, expanded, or new events for indoor sports facilities owned by a municipal agency formally designated by the municipality, in accordance with title 7, chapter 67.

SECTION 2. Tennessee Code Annotated, Section 67-6-712, is amended by deleting subdivision (c)(1)(B) and substituting the following:

In addition, if an indoor sports facility owned by a sports authority organized pursuant to the provisions of Title 7, Chapter 67, in which a professional sports franchise is a tenant, exists in a county with a metropolitan form of government, then an amount shall be apportioned and distributed to the municipality equal to two-thirds (2/3) of the amount

of the allocation of local tax revenue under subdivision (a)(2) derived from the sale of admissions to all other events occurring at such indoor sports facility and from all other sales of food and drink and other authorized goods or products sold on the premises of the indoor sports facility, parking charges, and related services. Such amounts distributed to the municipality shall be for the exclusive use of the sports authority, or comparable municipal agency formally designated by the municipality, in accordance with title 7, chapter 67. Such amounts shall be used exclusively for the payment of, or the reimbursement of expenses associated with securing current, expanded, or new events for indoor sports facilities owned by a municipal agency formally designated by the municipality, in accordance with title 7, chapter 67.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Stewart moved that **House Bill No. 3828**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Alexander, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 90

Representatives present and not voting were: Powers -- 1

A motion to reconsider was tabled.

***House Bill No. 2459** -- Alcohol Offenses, Sales - As introduced, creates offense for person under 21 to enter establishment selling for off-premise consumption intoxicating liquors unless accompanied by a parent, legal guardian or spouse 21 years of age or older; creates offense for visibly intoxicated person to enter any such establishment. - Amends TCA Title 39, Chapter 14, Part 4; Title 39, Chapter 15, Part 4 and Title 57, Chapter 3. by *Eldridge, *Casada, *Faison, *Weaver, *Elam, *White, *Sparks, *Matlock. (SB2544 by *Massey, *Overbey)

Rep. Eldridge moved that House Bill No. 2459 be passed on third and final consideration.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved adoption of Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND House Bill No. 2459 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 3, Part 4, is amended by adding the following as a new, appropriately designated section thereto:

57-3-413.

(a) A minor who is at least twelve (12) years of age but less than eighteen (18) years of age who enters an establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption defined in § 57-2-101(a), commits a delinquent act unless such minor is accompanied by the minor's parent, grandparent, legal guardian or spouse who is twenty-one (21) years of age or older.

(b) It is an offense for any person who is at least eighteen (18) years of age but less than twenty-one (21) years of age to enter an establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption defined in § 57-2-101(a), unless such person is accompanied by the person's parent, grandparent, legal guardian or spouse who is twenty-one (21) years of age or older.

(c) It is an offense for any person twenty-one (21) years of age or older to enter any establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a), accompanied by a person who is under twenty-one (21) years of age, unless that person over twenty-one (21) is the parent, grandparent, legal guardian or spouse of the person who is under twenty-one (21) years of age.

(d) It is an offense for any person who is intoxicated to enter any establishment knowing it is a licensed retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a).

(e)

(1) A violation of subsection (b), (c) or (d) is a Class C misdemeanor punishable by fine only.

(2) A second or subsequent violation of subsections (b), (c) or (d) is a Class C misdemeanor punishable by fine only; provided, however, that the maximum fine shall be two hundred dollars (\$200).

(f)

(1) Beginning October 1, 2012, each retailer shall post, at the public entrance to any establishment licensed as a retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a), the following or substantially similar language:

IT IS AGAINST THE LAW FOR A PERSON UNDER THE AGE OF 21 TO ENTER THE PREMISES UNLESS ACCOMPANIED BY SUCH PERSON'S PARENT, GRANDPARENT, LEGAL GUARDIAN OR SPOUSE THAT IS AGE 21 OR OLDER. IT IS AGAINST THE LAW FOR A PERSON AGE 21 OR OLDER TO ACCOMPANY A PERSON UNDER THE AGE OF 21 ON THE PREMISES UNLESS THE PERSON AGE 21 OR OLDER IS THE PARENT, GRANDPARENT, LEGAL GUARDIAN OR SPOUSE OF THE PERSON UNDER THE AGE OF 21.

(2) Beginning October 1, 2012, each retailer shall post, at the public entrance to any establishment licensed as a retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a), the following or substantially similar language:

IT IS AGAINST THE LAW FOR AN INTOXICATED PERSON TO ENTER THE PREMISES.

(3) The language required to be posted pursuant to this subsection (f) shall be of a size that is plainly visible to the average person prior to entering any establishment licensed as a retail package store pursuant to § 57-3-204 selling intoxicating liquors for off-premise consumption as defined in § 57-2-101(a).

(4) Failure to post the language required under this subsection (f) shall not subject the retailer to a criminal offense or civil fine from the alcohol beverage commission.

(5)

(A) It is an exception to the application of subsections (a), (b), (c) or (d) that the retailer failed to post signs as required pursuant to this subsection (f).

(B) It is an exception to the application of subsections (a), (b), (c) or (d) that entrance into the premises was necessitated by a bona fide emergency.

(C) The provisions of subsections (a), (b) and (c) shall not apply to law enforcement officers and other emergency personnel engaged in the performance of their duties or to any person under

twenty-one (21) years of age acting in concert with law enforcement in accordance with § 39-15-413.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Sargent moved adoption of Finance, Ways and Means Committee Amendment No. 2, as House Amendment No. 3, as follows:

Amendment No. 3

AMEND House Bill No. 2459 by deleting from amendatory § 57-3-413(f)(5)(C) the language "other emergency personal" and by substituting instead the language "other emergency personnel".

On motion, Finance, Ways and Means Committee Amendment No. 2, as House Amendment No. 3, was adopted.

Rep. Hardaway moved the previous question, which motion failed by the following vote:

Ayes	43
Noes.....	45

Representatives voting aye were: Butt, Campbell, Cobb, Coley, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hardaway, Harrison, Johnson C, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Shipley, Sparks, Stewart, Watson, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 43

Representatives voting no were: Alexander, Armstrong, Brooks H, Brown, Camper, Carr, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Favors, Fitzhugh, Gilmore, Hall, Harmon, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson P, Jones, Kernell, McCormick, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Sexton, Sontany, Swann, Tidwell, Towns, Turner J, Turner M, Weaver, Womick -- 45

After further discussion, Rep. Eldridge requested that House Bill No. 2459, as amended, be moved to the heel of the Calendar.

***House Bill No. 2999** -- Basic Education Program (BEP) - As introduced, allows LEAs the option of using BEP funds for a building manager in lieu of an assistant principal. - Amends TCA Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 3. by *Brooks H. (SB2982 by *Burks)

On motion, House Bill No. 2999 was made to conform with **Senate Bill No. 2982**; the Senate Bill was substituted for the House Bill.

THURSDAY, APRIL 5, 2012 – SIXTY-NINETH LEGISLATIVE DAY UNOFFICIAL VERSION

Rep. H. Brooks moved that Senate Bill No. 2982 be passed on third and final consideration.

Rep. Montgomery moved that Education Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. H. Brooks moved that **Senate Bill No. 2982** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	81
Noes.....	11
Present and not voting.....	1

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, Dunn, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Montgomery, Moore, Niceley, Odom, Parkinson, Pody, Powers, Pruitt, Ragan, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shipley, Sontany, Sparks, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 81

Representatives voting no were: Brown, Cooper, DeBerry L, Favors, Fitzhugh, Jones, Miller L, Naifeh, Pitts, Shaw, Stewart -- 11

Representatives present and not voting were: DeBerry J -- 1

A motion to reconsider was tabled.

House Bill No. 3705 -- Education, Higher - As introduced, requires public institutions of higher education to report annually to the education committees of the senate and the house on the filling of positions at the institutions. - Amends TCA Title 49, Chapter 7, Part 1. by *McCormick. (*SB3751 by *Tracy)

Rep. McCormick moved that House Bill No. 3705 be reset for the Regular Calendar on April 9, 2012, which motion prevailed.

***House Bill No. 3257** -- Criminal Offenses - As introduced, specifies that a public place includes places that an ordinary observer would see while located in a public place. - Amends TCA Title 39 and Title 40. by *Casada. (SB3076 by *Johnson)

Rep. Casada moved that House Bill No. 3257 be passed on third and final consideration.

Rep. Watson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3257 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-511, is amended by deleting the section in its entirety and by substituting instead the following:

(a) A person commits the offense of indecent exposure who:

(1) In a public place, as defined in § 39-11-106, or on the private premises of another, or so near thereto as to be seen from the private premises:

(A) Intentionally:

(i) Exposes the person's genitals or buttocks to another; or

(ii) Engages in sexual contact or sexual penetration as defined in § 39-13-501; and

(B) Reasonably expects that the acts will be viewed by another and the acts:

(i) Will offend an ordinary viewer; or

(ii) Are for the purpose of sexual arousal and gratification of the defendant; or

(2)

(A) Knowingly invites, entices or fraudulently induces the child of another into the person's residence for the purpose of attaining sexual arousal or gratification by intentionally engaging in the following conduct in the presence of the child:

(i) Exposure of such person's genitals, buttocks or female breasts; or

(ii) Masturbation; or

(B) Knowingly engages in the person's own residence, in the intended presence of any child, for the defendant's sexual arousal or gratification the following intentional conduct:

(i) Exposure of the person's genitals, buttocks or female breasts; or

(ii) Masturbation.

(3) No prosecution shall be commenced for a violation of subdivision (a)(2)(B)(i) based solely upon the uncorroborated testimony of a witness who shares with the accused any of the relationships described in § 36-3-601(5).

(4) For the provisions of subdivision (a)(2)(A) or (a)(2)(B) to apply, the defendant must be eighteen (18) years of age or older and the child victim must be less than thirteen (13) years of age.

(b)

(1) “Indecent exposure”, as defined in subsection (a), is a Class B misdemeanor, unless subdivision (2), (3) or (4) applies.

(2) If the defendant is eighteen (18) years of age or older and the victim is under thirteen (13) years of age, indecent exposure is a Class A misdemeanor.

(3) If the defendant is eighteen (18) years of age or older and the victim is under thirteen (13) years of age, and the defendant has any combination of two (2) or more prior convictions under this section or § 39-13-517, the offense is a Class E felony.

(4) If the defendant is eighteen (18) years of age or older and the victim is under thirteen (13) years of age, and the offense occurs on the property of any public school, private or parochial school, licensed day care center or other child care facility during a time at which a child or children are likely to be present on the property, the offense is a Class E felony.

(c)

(1) A person confined in a penal institution, as defined in § 39-16-601, commits the offense of indecent exposure who with the intent to abuse, torment, harass or embarrass a guard:

(A) Intentionally exposes the person's genitals or buttocks to the guard; or

(B) Engages in sexual contact as defined in § 39-13-501.

(2) For purposes of this subsection (c), “guard” means any sheriff, jailer, guard, correctional officer or other authorized personnel charged with the custody of the person.

(3) Notwithstanding subsection (b), a violation of this subsection (c) is a Class A misdemeanor.

(d) This section does not apply to a mother who is breastfeeding her child in any location, public or private.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as a new section:

39-13-517.

(a) As used in this section:

(1) "Nudity" or "state of nudity" means the showing of the bare human male or female genitals or pubic area with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of the areola, or the showing of the covered male genitals in a discernibly turgid state. Nudity or state of nudity does not include a mother in the act of nursing the mother's baby; and

(2)

(A)

(i) "Public place" means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public place includes, but is not limited to, streets, sidewalks, parks, beaches, business and commercial establishments, whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement, bottle clubs, hotels, motels, restaurants, night clubs, country clubs, cabarets and meeting facilities utilized by any religious, social, fraternal or similar organizations.

(ii) For purposes of subdivision (b)(1) and (b)(2), "public place" includes a public restroom, whether single sex or not.

(B) Premises used solely as a private residence, whether permanent or temporary in nature, are not deemed to be a public place. Public place does not include an enclosed single sex functional showers, locker or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors' offices, portions of hospitals and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein; nor does it include a person appearing in a state of nudity in a modeling class operated by a proprietary school, licensed by the state of Tennessee, a college, junior college, or university supported entirely or partly by taxation, or a private college or university where such private college or university maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation or an accredited private

college. Public place does not include a private facility that has been formed as a family-oriented clothing optional facility, properly licensed by the state.

(b) A person commits the offense of public indecency who, in a public place, knowingly or intentionally:

(1) Engages in sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or other ultimate sex acts;

(2) Fondles the genitals of the person, or another person; or

(3) Appears in a state of nudity or performs an excretory function.

(c) A person does not violate subsection (b) if the person makes intentional and reasonable attempts to conceal the person from public view while performing an excretory function, and the person performs the function in an unincorporated area of the state.

(d) Public indecency is punishable as follows:

(1) A first or second offense is a Class B misdemeanor punishable only by a fine of five hundred dollars (\$500) unless otherwise specified under subdivision (3);

(2) Unless § 39-13-511(b)(3) applies, a third or subsequent offense is a Class A misdemeanor punishable by a fine of one thousand five hundred dollars (\$1,500) or confinement for not more than eleven (11) months and twenty-nine (29) days, or both; and

(3)

(A) Notwithstanding subdivisions (1) and (2), where the offense involves the defendant engaging in masturbation by self-stimulation, or the use of an inanimate object, on the property of any public school, private or parochial school, licensed day care center, or other child care facility, and the defendant knows or reasonably should know that a child or children are likely to be present on the property at the time of the conduct, the offense is a Class E felony.

(B) Where a person is charged with a violation under subdivision (d)(3)(A), and the court grants judicial diversion under § 40-35-313, the court shall order, as a condition of probation, that the person be enrolled in a satellite-based monitoring program for the full extent of the person's term of probation, in a manner consistent with the requirements of § 40-39-302.

(e) If a person is arrested for public indecency while working as an employee or a contractor, the employer or principal may be held liable for a fine imposed by subdivision (d); provided, however, the employer may not be held liable under this section unless it is shown the employer knew or should have known the acts of the employee or contractor were in violation of this section.

(f) This section does not apply to any theatrical production that contains nudity performed in a theater by a professional or amateur theatrical or musical company that has serious artistic merit, provided that the production is not in violation of chapter 17, part 9 of this title.

(g) This section shall not affect in any fashion the ability of local jurisdictions or the state of Tennessee to regulate any activity where alcoholic beverages, including malt beverages, are sold for consumption.

SECTION 4. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Casada requested that House Bill No. 3257 be moved down 2 places on the Calendar.

***House Bill No. 2960** -- TennCare - As introduced, revises who shall submit a list of general internist candidates to the speaker of the house to serve on the TennCare pharmacy advisory committee. - Amends TCA Section 71-5-2401. by *Maggart. (SB2796 by *Bell)

On motion, House Bill No. 2960 was made to conform with **Senate Bill No. 2796**; the Senate Bill was substituted for the House Bill.

Rep. Maggart moved that Senate Bill No. 2796 be passed on third and final consideration.

Rep. Hill moved that Health and Human Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Maggart moved that **Senate Bill No. 2796** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell,

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 93

A motion to reconsider was tabled.

House Bill No. 3300 -- Funeral Directors and Embalmers - As introduced, establishes priority of right to the disposition of human remains and limits certain liability of funeral establishments and funeral directors. - Amends TCA Title 32; Title 47; Title 62, Chapter 5 and Title 68. by *Fitzhugh. (*SB2916 by *Overbey, *Ford)

On motion, House Bill No. 3300 was made to conform with **Senate Bill No. 2916**; the Senate Bill was substituted for the House Bill.

Rep. Fitzhugh moved that Senate Bill No. 2916 be passed on third and final consideration.

Rep. McManus moved that Commerce Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. McManus moved that Commerce Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved that **Senate Bill No. 2916** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 93

A motion to reconsider was tabled.

***House Bill No. 3257** -- Criminal Offenses - As introduced, specifies that a public place includes places that an ordinary observer would see while located in a public place. - Amends TCA Title 39 and Title 40. by *Casada. (SB3076 by *Johnson)

Further consideration of House Bill No. 3257 previously considered on today's Calendar.

Rep. Casada requested that House Bill No. 3257 be moved to the heel of the Calendar.

House Bill No. 1908 -- Public Records - As introduced, specifies that all licensure tests administered by the department of commerce and insurance through any of its regulatory boards and commissions are confidential when and for so long as necessary to protect the integrity of the tests. - Amends TCA Title 10, Chapter 7, Part 5. by *Montgomery. (*SB1447 by *Tracy)

On motion, House Bill No. 1908 was made to conform with **Senate Bill No. 1447**; the Senate Bill was substituted for the House Bill.

Rep. Montgomery moved that Senate Bill No. 1447 be passed on third and final consideration.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Montgomery moved that **Senate Bill No. 1447** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 93

Representatives present and not voting were: Hurley -- 1

A motion to reconsider was tabled.

***House Bill No. 182** -- Tort Liability and Reform - As introduced, enacts certain tort reforms. - Amends TCA Title 20; Title 22; Title 29 and Title 63. by *Sargent, *Montgomery. (SB250 by *Overbey)

Rep. Sargent moved that House Bill No. 182 be reset for the Regular Calendar on April 12, 2012, which motion prevailed.

***House Bill No. 2801** -- Physicians and Surgeons - As introduced, expands the board's authority to deny, suspend or revoke a license for any physicians supervising an unlicensed or non-physician performing hormone replacement therapy. - Amends TCA Title 63. by *Johnson P. (SB3627 by *Watson)

On motion, House Bill No. 2801 was made to conform with **Senate Bill No. 3627**; the Senate Bill was substituted for the House Bill.

Rep. P. Johnson moved that Senate Bill No. 3627 be passed on third and final consideration.

Rep. Hill moved that Health and Human Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. P. Johnson moved that **Senate Bill No. 3627** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes.....	0

Representatives voting aye were: Alexander, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 92

A motion to reconsider was tabled.

***House Bill No. 3499** -- Firearms and Ammunition - As introduced, defines and clarifies the terms "intent to go armed" and "purpose of going armed" when determining if person is in violation of law prohibiting a person from carrying a firearm with the intent to go armed under certain circumstances. - Amends TCA Title 39, Chapter 17. by *Faison, *Eldridge, *Butt, *Powers, *Maggart, *Holt. (SB3324 by *Beavers)

Further consideration of House Bill No. 3499 previously considered on March 29, 2012, at which time it was reset for today's Calendar.

Rep. Faison moved that House Bill No. 3499 be passed on third and final consideration.

Rep. Watson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3499 by deleting all language after the enacting clause and by substituting instead the following:

4750

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

SECTION 1. Tennessee Code Annotated, Section 39-17-1359, is amended by adding the following new subsection:

(g) It is an affirmative defense to a violation of this section that the person charged with the violation:

(1) Was, at the time of the violation, authorized to carry a firearm pursuant to § 39-17-1351; and

(2) Engaged in the conduct constituting the violation while acting under a reasonable and good faith belief that the possession or carrying of the firearm was lawful in time, manner and place.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. McCormick moved the previous question, which motion prevailed by the following vote:

Ayes 60
Noes 30

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Carr, Casada, Cobb, Coley, Dean, Dunn, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Watson, Weaver, White, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 60

Representatives voting no were: Armstrong, Brown, Camper, Cooper, Curtiss, DeBerry J, DeBerry L, Favors, Fitzhugh, Gilmore, Hardaway, Harmon, Haynes, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Richardson, Shaw, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Williams K -- 30

Rep. Faison moved that **House Bill No. 3499**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 67
Noes 22
Present and not voting 1

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Carr, Casada, Cobb, Coley, Dean, Dunn, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Moore, Niceley, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach,

THURSDAY, APRIL 5, 2012 – SIXTY-NINETH LEGISLATIVE DAY UNOFFICIAL VERSION

Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Tidwell, Tindell, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 67

Representatives voting no were: Armstrong, Brown, Camper, Cooper, Curtiss, DeBerry L, Favors, Gilmore, Hardaway, Harmon, Jones, Miller L, Naifeh, Odom, Parkinson, Richardson, Shaw, Sontany, Stewart, Towns, Turner J, Turner M -- 22

Representatives present and not voting were: DeBerry J -- 1

A motion to reconsider was tabled.

***House Bill No. 2608** -- Short Term Loans and Lenders - As introduced, requires certain pawnbrokers and scrap jewelry and metal dealers to be bonded. - Amends TCA Title 38 and Title 45. by *Hardaway. (SB2811 by *Tracy)

Further consideration of House Bill No. 2608 previously considered on March 29, 2012, at which time it was reset for today's Calendar.

Rep. Hardaway moved that House Bill No. 2608 be reset for the Regular Calendar on April 12, 2012, which motion prevailed.

House Bill No. 3383 -- Tennessee Wildlife Resources Agency - As introduced, makes it a Class A misdemeanor to transport wild-appearing swine into or within the state without appropriate documentation from the department of agriculture. - Amends TCA Title 70, Chapter 4, Part 1. by *Lollar, *Hawk, *Roach, *Ford, *Harrison, *Naifeh, *McDaniel. (*SB2879 by *Southerland, *Burks)

Further consideration of House Bill No. 3383 previously considered on March 29, 2012, at which time it was reset for today's Calendar.

Rep. Lollar moved that House Bill No. 3383 be reset for the Regular calendar on April 11, 2012, which motion prevailed.

***House Bill No. 3468** -- Child Custody and Support - As introduced, allows the court, in its discretion, in appropriate cases, to order child support for postsecondary education. - Amends TCA Title 34 and Title 36. by *Brooks H. (SB3279 by *Kelsey)

Further consideration of House Bill No. 3468 previously considered on April 2, 2012, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

Rep. H. Brooks moved that **House Bill No. 3468** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes.....	7

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge,
4752

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Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hardaway, Harmon, Harrison, Hawk, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Powers, Pruitt, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 85

Representatives voting no were: Butt, Campbell, Favors, Hall, Haynes, Pody, Ragan -- 7

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **House Bill No. 3468** and have this statement entered in the Journal: Rep(s). Holt.

REGULAR CALENDAR, CONTINUED

***House Bill No. 41** -- Emergency Communications Districts - As introduced, authorizes the provision of emergency medical services by providers in contiguous counties in certain circumstances. - Amends TCA Title 5; Title 12, Chapter 9; Title 58, Chapter 8 and Title 68, Chapter 140. by *Montgomery. (SB68 by *Overbey, *Haile, *Ford)

Further consideration of House Bill No. 41 previously considered on April 2, 2012, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

On motion, House Bill No. 41 was made to conform with **Senate Bill No. 68**; the Senate Bill was substituted for the House Bill.

Rep. Montgomery moved that Senate Bill No. 68 be passed on third and final consideration.

Rep. Montgomery moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 68 by deleting Section 3 of the amendatory language and by substituting instead the following:

Section 3. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Montgomery moved that **Senate Bill No. 68**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes..... 0

Representatives voting aye were: Alexander, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 92

A motion to reconsider was tabled.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Maggart

REGULAR CALENDAR, CONTINUED

***House Bill No. 2903** -- Alcoholic Beverages - As introduced, authorizes Norris Landing Marina in Claiborne County to be issued a license as a premier type tourist resort. - Amends TCA Section 57-4-102 and Section 57-4-102. by *Sargent, *Tidwell. (SB3117 by *Yager)

Further consideration of House Bill No. 2903 previously considered on April 2, 2012, at which time it was reset for today's Calendar.

Rep. Sargent moved that House Bill No. 2903 be reset for the Regular Calendar on April 12, 2012, which motion prevailed.

***House Bill No. 2924** -- Labor - As introduced, establishes certain public policies for employees under right to work law; provides for employers to post certain notices; provides for certain enforcement responsibilities by the department of labor and workforce development. - Amends TCA Title 50, Chapter 1, Part 2. by *Sparks. (SB2821 by *Kelsey)

Further consideration of House Bill No. 2924 previously considered on April 2, 2012, at which time the House adopted Amendment(s) No(s). 1 and it was reset for today's Calendar.

On motion, House Bill No. 2924 was made to conform with **Senate Bill No. 2821**; the Senate Bill was substituted for the House Bill.

Rep. Sparks moved that Senate Bill No. 2821 be passed on third and final consideration.

Rep. Dean moved the previous question, which motion prevailed.

Rep. Sparks moved that **Senate Bill No. 2821** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	77
Noes.....	11
Present and not voting.....	1

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Dean, DeBerry J, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Naifeh, Niceley, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sparks, Swann, Tidwell, Tindell, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 77

Representatives voting no were: DeBerry L, Hardaway, Jones, McDonald, Moore, Parkinson, Sontany, Stewart, Towns, Turner J, Turner M -- 11

Representatives present and not voting were: Gilmore -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **Senate Bill No. 2821** and have this statement entered in the Journal: Rep(s). Kernell.

REGULAR CALENDAR, CONTINUED

House Bill No. 2639 -- Codes - As introduced, prohibits sprinkler requirements in local building codes in one-family and two-family dwellings. - Amends TCA Section 68-120-101. by *Watson, *Gotto, *Todd. (*SB2492 by *Tracy, *Ketron)

Further consideration of House Bill No. 2639 previously considered on March 28, 2012 and April 2, 2012, at which time it was reset for today's Calendar

Rep. Watson moved that House Bill No. 2639 be passed on third and final consideration.

Rep. McManus moved adoption of Commerce Committee Amendment No. 1.

Rep. McCormick moved that Amendment No. 1 to 1 be withdrawn, which motion prevailed.

Rep. McManus moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2639 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-120-101(a)(8), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(8)

(A) Shall not include mandatory sprinkler requirements for one-family and two-family dwellings; however, notwithstanding this subdivision (a)(8), local governments may adopt more stringent requirements for one-family and two-family dwellings; and

(B) If a local government seeks to adopt mandatory sprinkler requirements for one-family and two-family dwellings pursuant to this subdivision (a)(8), then the local government may adopt, by either ordinance or resolution, as appropriate, such requirements only upon an affirmative two-thirds (2/3) vote and only after reading such ordinance or resolution in open session of the legislative body at meetings specially called on two (2) different days that are no less than two (2) weeks apart. Mandatory sprinkler requirements shall be voted on in an ordinance or resolution separate from any other ordinance or resolution addressing building construction safety standards;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. McManus moved adoption of Commerce Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2639 by designating the amendatory language in subdivision (8)(B) in SECTION 1 of the amendment (drafting # 1419168) as new subdivision (i) and by adding the following language as new subdivision (ii):

(ii) If a local government seeks to repeal the mandatory sprinkler requirements adopted pursuant to this subdivision (a)(8), then the local government shall repeal such requirements in the same manner as required to adopt such requirements under this subdivision (a)(8).

On motion, Commerce Committee Amendment No. 2 was adopted.

Rep. M. Turner moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. P. Johnson moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. L. Miller moved the previous question, which motion prevailed.

Rep. Watson moved that **House Bill No. 2639**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	74
Noes.....	13
Present and not voting.....	3

Representatives voting aye were: Armstrong, Brooks H, Brooks K, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, DeBerry J, Dunn, Eldridge, Faison, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Marsh, Matheny, Matlock, McDaniel, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sexton, Shaw, Shipley, Sontany, Sparks, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 74

Representatives voting no were: Alexander, Brown, Cooper, Evans, Hardaway, Jones, McDonald, Moore, Parkinson, Pruitt, Sargent, Stewart, Windle -- 13

Representatives present and not voting were: Dean, DeBerry L, Favors -- 3

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "no" to "aye" on **House Bill No. 2639** and have this statement entered in the Journal: Rep(s). Stewart.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2459** -- Alcohol Offenses, Sales - As introduced, creates offense for person under 21 to enter establishment selling for off-premise consumption intoxicating liquors unless accompanied by a parent, legal guardian or spouse 21 years of age or older; creates offense for visibly intoxicated person to enter any such establishment. - Amends TCA Title 39, Chapter 14, Part 4; Title 39, Chapter 15, Part 4 and Title 57, Chapter 3. by *Eldridge, *Casada, *Faison, *Weaver, *Elam, *White, *Sparks, *Matlock. (SB2544 by *Massey, *Overbey)

Further consideration of House Bill No. 2459 previously considered on today's Calendar, at which time the House withdrew Amendment(s) No(s). 1 and adopted Amendment(s) No(s). 2 and 3.

Rep. Eldridge moved that House Bill No. 2459, as amended, be reset for the Regular Calendar on April 12, 2012, which motion prevailed.

***House Bill No. 3257** -- Criminal Offenses - As introduced, specifies that a public place includes places that an ordinary observer would see while located in a public place. - Amends TCA Title 39 and Title 40. by *Casada. (SB3076 by *Johnson)

Further consideration of House Bill No. 3257 previously considered on today's Calendar, at which time the House adopted Amendment(s) No(s). 1.

Rep. Casada moved that **House Bill No. 3257**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 90
Noes..... 2

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 90

Representatives voting no were: Shaw, Turner J -- 2

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2281** -- Home Improvement Contractors - As introduced, includes as an element of the offense of theft by a home improvement contractor, or a consumer protection violation, failure to provide a current address to the residential owner until the work to be performed under the contract is completed. - Amends TCA Section 39-14-154 and Section 47-18-104. by *Dunn, *Tindell, *Armstrong, *Hardaway, *Parkinson, *Fitzhugh, *Brown, *Eldridge, *Ragan, *Haynes, *Halford, *Shaw, *McManus, *Miller L, *Turner J, *Lollar, *Johnson C. (SB2486 by *Johnson, *Burks, *Harper)

Senate Amendment No. 1

AMEND House Bill No. 2281 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-154(b)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1)

(A) Fail to refund amounts paid under a contract for home improvement services within ten (10) days of:

(i) The acceptance of a written request for a refund either hand delivered or mailed certified mail return receipt attached;

(ii) The refusal to accept the certified mail sent to the last known address of the home improvement services provider by the residential owner; or

(iii) The return of the certified mail to the residential owner indicating that the addressee is unknown at the address or a similar designation if the provider failed to provide to the residential owner or the United States Postal Service a correct current or forwarding address;

(B) A violation of subdivision (b)(1)(A) is an offense only if:

(i) No substantial portion of the contracted work has been performed at the time of the request;

(ii) More than ninety (90) days have elapsed since the starting date of the contract for home improvement services; and

(iii) A copy of the written request for a refund was sent by the residential owner to the consumer protection division of the office of the attorney general;

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b)(48), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(48) A home improvement services provider:

(A) Entering into a contract for home improvement services without providing to the residential owner in written form:

(1) That it is a criminal offense for the person entering into the contract for home improvement services with a residential owner to do any of the prohibited acts set out in § 39-14-154(b), by writing out the text of each prohibited act, and providing the penalty and available relief for such; and

(2) The true and correct name, physical address and telephone number of the home improvement services provider; or

(B) Having complied with subdivision (b)(48)(A), failing to provide to the residential owner in written form a correct current or forwarding address if the person changes the physical address initially provided to the residential owner and any or all work to be performed under the contract has not been completed;

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

Rep. Dunn moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2281**, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry L, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 92

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2505 -- Sunset Laws - As introduced, extends the board of ground water management, June 30, 2013. - Amends TCA Title 4, Chapter 29 and Title 69, Chapter 10, Part 1. by *Cobb, *Shipley, *Rich. (*SB2342 by *Bell, *Norris)

Senate Amendment No. 2

AMEND House Bill No. 2505 by adding the following new language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION ___. Tennessee Code Annotated, Section 69-10-107, is amended by adding the following new language immediately preceding subsection (d) and by redesignating the subsequent subsection accordingly:

(d) The board shall adopt and implement rules and regulations to create a conflict of interest policy for board members. The policy shall mandate annual written disclosures of financial interests, other possible conflicts of interest, and an acknowledgement by board members that they have read and understand all aspects of the policy. The policy shall also require persons who are to be appointed to the board to acknowledge, as a condition of appointment, that they are not in conflict with the conditions of the policy.

Rep. Cobb moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2505**, which motion prevailed by the following vote:

Ayes 86
Noes..... 7

Representatives voting aye were: Alexander, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, Dunn, Eldridge, Evans, Faison, Favors, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 86

Representatives voting no were: Armstrong, DeBerry L, Fitzhugh, Hardaway, Miller L, Sontany, Windle -- 7

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended in order to allow **House Bill No. 442** to be heard in the Government Operations Committee next week.

Without objection, it was so ordered.

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended in order to allow all of the bills that passed out of the Education Subcommittee, yesterday, to be heard in the Education Committee next week.

Without objection, it was so ordered.

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended in order to allow **House Joint Resolution No. 804** to be heard in the Judiciary Committee next week.

Without objection, it was so ordered.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 9, 2012:

House Bill No. 2612: by Rep. H. Brooks

House Bill No. 3323: by Rep. P. Johnson

Senate Bill No. 1252: by Rep. Haynes

RULES SUSPENDED

Rep. M. Turner moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 760 out of order, which motion prevailed.

Senate Joint Resolution No. 760 -- Memorials, Recognition - Homer Malone. by *Herron, *Barnes, *Beavers, *Bell, *Berke, *Burks, *Crowe, *Faulk, *Finney L, *Ford, *Gresham, *Harper, *Haynes, *Henry, *Johnson, *Kelsey, *Kyle, *Marrero, *Massey, *McNally, *Norris, *Overbey, *Roberts, *Southerland, *Stewart, *Summerville, *Tate, *Tracy, *Watson, *Yager, *Ramsey.

On motion of Rep. M. Turner, the resolution was concurred in.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Swann, **House Bill No. 1566** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Swann, **House Bill No. 1567** was recalled from the Transportation Committee and withdrawn from the House.

On motion of Rep. Swann, **House Bill No. 1571** was recalled from the Consumer and Employee Affairs Committee and withdrawn from the House.

On motion of Rep. Swann, **House Bill No. 1573** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Swann, **House Bill No. 1574** was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. Swann, **House Bill No. 1575** was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. Swann, **House Bill No. 1717** was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

On motion of Rep. Swann, **House Bill No. 1769** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Swann, **House Bill No. 3020** was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. Swann, **House Bill No. 3109** was recalled from the Education Committee and withdrawn from the House.

RULES SUSPENDED

Rep. Naifeh moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 733 out of order, which motion prevailed.

Senate Joint Resolution No. 733 -- Memorials, Retirement - Dr. Harry Green, Executive Director of TACIR. by *Norris, *Henry, *Kyle, *Tracy, *McNally, *Barnes, *Beavers, *Bell, *Berke, *Burks, *Crowe, *Faulk, *Finney L, *Ford, *Gresham, *Harper, *Haynes, *Herron, *Johnson, *Kelsey, *Marrero, *Massey, *Overbey, *Roberts, *Southerland, *Stewart, *Summerville, *Tate, *Watson, *Yager, *Ramsey.

On motion of Rep. Naifeh, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Ramsey moved that the rules be suspended in order to allow **House Bill No. 3878** and **House Joint Resolution No. 807** be placed on the State and Local Government Committee Consent Calendar next week.

Without objection, it was so ordered.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 868 Rep(s). Hurley as prime sponsor(s).

House Bill No. 2299 Rep(s). Sexton as prime sponsor(s).

House Bill No. 2303 Rep(s). Sexton as prime sponsor(s).

House Bill No. 2384 Rep(s). Eldridge as prime sponsor(s).

House Bill No. 2459 Rep(s). K. Williams, Hardaway, Kernell, Shaw, L. Miller and Dean as prime sponsor(s).

House Bill No. 2613 Rep(s). McCormick, Naifeh, L. DeBerry, Fitzhugh, Montgomery, Powers, Dunn, K. Brooks and Hensley as prime sponsor(s).

House Bill No. 2685 Rep(s). B. Cooper as prime sponsor(s).

House Bill No. 2890 Rep(s). Matheny as prime sponsor(s).

House Bill No. 3333 Rep(s). Halford as prime sponsor(s).

House Bill No. 3616 Rep(s). Faison as prime sponsor(s).

House Bill No. 3651 Rep(s). Halford as prime sponsor(s).

**ENGROSSED BILLS
April 5, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 841;

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENGROSSED BILLS
April 5, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 853, 854, 855, 856, 857, 858, 859, 860, 861 and 862.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS
April 5, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 234 and 235; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
April 5, 2012**

The Speaker announced that she had signed the following: House Resolution(s) No(s). 234 and 235.

BETTY KAY FRANCIS, Chief Engrossing Clerk

MESSAGE FROM THE SENATE

April 5, 2012

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2296, 2329, 2378, 2544, 2794, 3214, 3255, 3338, 3539, 3548, 3570 and 3863; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE SENATE

April 5, 2012

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 841; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

ENROLLED BILLS

April 5, 2012

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 841; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

SIGNED

April 5, 2012

The Speaker announced that she had signed the following: House Joint Resolution(s) No(s). 841.

BETTY KAY FRANCIS, Chief Engrossing Clerk

MESSAGE FROM THE SENATE

April 5, 2012

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 841; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

REPORT OF CHIEF ENGROSSING CLERK

April 5, 2012

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 841; for his action.

BETTY KAY FRANCIS, Chief Engrossing Clerk

MESSAGE FROM THE SENATE
April 5, 2012

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2698, 2844, 2870, 2900, 3234, 3394, 3397, 3787; and Senate Joint Resolution(s) No(s). 731 and 738; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

MESSAGE FROM THE SENATE
April 5, 2012

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2609; The Senate nonconcurred in House Amendment No(s). 1.

RUSSELL A. HUMPHREY, Chief Clerk

SIGNED
April 5, 2012

The Speaker announced that she had signed the following: Senate Joint Resolution(s) No(s). 731 and 738.

MESSAGE FROM THE SENATE
April 5, 2012

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2212, 2241, 2289, 2678, 2699, 3216, 3262, 3310, 3403, 3424 and 3759; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Bill No. 2212 -- State Government - As introduced, specifies that state insurance plans are not subject to regulation by the department of commerce and insurance or subject to the jurisdiction of the department of health and that no such plan is subject to the insurance laws of this state in Title 56 unless otherwise specifically stated. - Amends TCA Title 8, Chapter 27. by *Norris, *Johnson. (*HB2350 by *McCormick, *Casada)

Senate Bill No. 2241 -- Health, Dept. of - As introduced, redefines "evidence-based" for purposes of criteria for funding for in-home visitation programs; makes other changes to provisions governing in-home visitations. - Amends TCA Title 68, Chapter 1, Part 1. by *Norris, *Overbey, *Burks. (*HB2379 by *McCormick, *Williams R)

***Senate Bill No. 2289** -- Purchasing - As introduced, revises provisions regarding cooperative purchasing agreements and local government purchasing in regard to the utilization of pricing discounts. - Amends TCA Title 12, Chapter 3, Part 10. by *Faulk. (HB2425 by *White)

Senate Bill No. 2678 -- Highway Signs - As introduced, names segment of U.S. 70 in DeKalb County in honor of the late PFC Billy Gene Anderson. by *Beavers. (*HB2803 by *Weaver)

Senate Bill No. 2699 -- Public Contracts - As introduced, deletes 2010 amendment that classified certain documents submitted to the state in response to a request for proposal or other procurement method as confidential after completion of the evaluation period. - Amends TCA Section 10-7-504; Title 56 and Title 63. by *Yager. (*HB2837 by *Sanderson)

***Senate Bill No. 3216** -- Pensions and Retirement Benefits - As introduced, revises provisions governing credit for prior service for persons participating in TCRS as employees of participating local government units. - Amends TCA Title 8, Chapter 25, Part 1; Title 8, Chapter 25, Part 3; Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36 and Title 8, Chapter 37. by *McNally, *Kelsey. (HB3603 by *Sargent)

***Senate Bill No. 3262** -- Pensions and Retirement Benefits - As introduced, adds within a statute governing the investments of TCRS a citation to the statutory provision creating the council on pensions and insurance. - Amends TCA Section 8-37-104(a)(10)(A). by *McNally. (HB3601 by *Sargent)

***Senate Bill No. 3310** -- Education, Curriculum - As introduced, requires that a family life education curriculum comply with certain restrictions. - Amends TCA Title 49, Chapter 6. by *Johnson. (HB3621 by *Gotto, *Casada, *Hensley, *Dean, *Weaver, *White, *Eldridge, *Ragan, *Matheny, *Womick, *Dunn, *Carr, *Holt, *DeBerry J, *Powers)

Senate Bill No. 3403 -- Motor Vehicles, Titling and Registration - As introduced, includes mini-trucks in the definition of medium-speed vehicles; allows mini-trucks to be titled and registered as medium-speed vehicles. - Amends TCA Title 55, Chapter 1, Part 1 and Section 55-50-102. by *Overbey. (*HB3504 by *Montgomery)

***Senate Bill No. 3424** -- Planning, Public - As introduced, authorizes local governments to create grant programs to provide funding to home owners and developers who invest in blighted property for the purpose of providing stabilization of the value of the neighborhood and increase the value of such property. - Amends TCA Title 6; Title 7 and Title 8. by *Marrero. (HB3670 by *Turner J, *Coley, *Camper, *Cooper B, *DeBerry L, *Richardson, *Tindell, *Stewart, *Pitts)

***Senate Bill No. 3759** -- State Government - As introduced, requires 10, instead of five, people having an interest in a rule to petition an agency requesting the adoption, amendment or repeal of such rule. - Amends TCA Title 4. by *Norris. (HB3778 by *McCormick)

ENGROSSED BILLS

April 5, 2012

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 2639, 2749, 2750, 2752, 3257, 3468, 3499 and 3828.

BETTY KAY FRANCIS, Chief Engrossing Clerk

SIGNED

April 5, 2012

The Speaker announced that she had signed the following: Senate Bill(s) No(s). 2698, 2844, 2870, 2900, 3234, 3394, 3397 and 3787.

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

MESSAGE FROM THE GOVERNOR
April 5, 2012

MADAM SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 841; with his approval.

HERBERT H. SLATTERY III, Counsel to the Governor

MESSAGE FROM THE GOVERNOR
April 5, 2012

MADAM SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 828, 829, 831, 832, 833, 834, 835, 836, 837 and 838; with his approval.

ASHLEIGH HARB on behalf of HERBERT H. SLATTERY III, Counsel to the Governor

ROLL CALL

The roll call was taken with the following results:

Present..... 92

Representatives present were Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 92

RECESS MOTION

On motion of Rep. McCormick, the House stood in recess until 5:00 p.m., Monday, April 9, 2012.